

HOUSE BILL REPORT

HB 1023

As Reported by House Committee On:
Local Government

Title: An act relating to critical area regulations under the growth management act for tsunami resistant structures.

Brief Description: Authorizing an exemption from critical area development regulations for tsunami resistant structures.

Sponsors: Representatives Orcutt, Buck, Kessler, Takko and Blake.

Brief History:

Committee Activity:

Local Government: 1/17/05, 2/21/05 [DPS].

Brief Summary of Substitute Bill

- Requires critical areas classification guidelines for the Growth Management Act to accommodate tsunami resistant structures built in geologically hazardous areas.
- Defines "tsunami resistant structure."

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan, Takko and Woods.

Staff: Ethan Moreno (786-7386).

Background:

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to, or have chosen to, comply with the major requirements of the GMA.

In addition to other GMA requirements, all local governments must designate and protect critical areas. Critical areas are defined by statute to include wetlands, aquifer recharge areas,

fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Geologically hazardous areas are defined also by statute to mean areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

The Department of Community, Trade, and Economic Development is required by the GMA, in part, to adopt guidelines to assist local governments in the classification of agricultural lands, forest lands, mineral resource lands, and critical areas. The adopted guidelines are minimum guidelines that apply to all jurisdictions, but must also allow for regional differences in Washington.

The National Tsunami Hazard Mitigation Program (NTHMP), a program of the National Oceanic and Atmospheric Administration, exists to reduce the impacts of tsunamis to the five affected U.S. coastal states (i.e., Alaska, California, Hawaii, Oregon, and Washington) through coordinated warning guidance, hazard assessment, and mitigation efforts by state and federal agencies. The NTHMP is currently working with the Federal Emergency Management Agency on a document for future release that will include guidance for the construction of tsunami resistant shelters.

Summary of Substitute Bill:

Guidelines established by the Department of Community, Trade, and Economic Development (DCTED) for the classification of critical areas must accommodate tsunami resistant structures built in geologically hazardous areas. A tsunami resistant structure is defined as one that:

- is included as a hazard mitigation measure in an adopted comprehensive hazard mitigation plan approved by the Department of Ecology or the United States Federal Emergency Management Agency;
- meets construction standards adopted by a local government pursuant to guidelines issued by the National Oceanic and Atmospheric Administration under the National Tsunami Hazard Mitigation Program;
- is designed for the primary purpose of providing emergency shelter to the residents of the local government in the event of a tsunami;
- is not suitable for long-term residential habitation; and
- may be used as a training site for emergency responders.

Substitute Bill Compared to Original Bill:

The critical areas guidelines established by the DCTED must accommodate, rather than provide an exemption for, qualifying tsunami resistant structures built in geologically hazardous areas. The definition of "tsunami resistant structure" is modified to require the structure to be included as a hazard mitigation measure in an adopted mitigation plan approved by the Department of Ecology or the Federal Emergency Management Agency. A date

reference to guidelines issued by the National Oceanic and Atmospheric Administration is deleted.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) This issue is on the minds of many citizens. A tsunami will strike Washington, but it is not known when. The last tsunami to strike Washington was the result of an Alaskan earthquake in the 1700s. Warning systems and evacuation routes exist, but safe havens do not. A 15-minute evacuation notice is insufficient for tsunamis. This bill is needed to ensure that land use laws do not prohibit the construction of technologically appropriate tsunami shelters in sensitive areas. The bill is narrowly drafted and modifications to the language may be supported.

(With concerns) Ocean warning buoys are not working properly and beach exits are insufficient. The cost of constructing tsunami resistant structures will be high and the funds may be better spent on warning and training measures. Large and small shelters will be necessary to accommodate shelter needs. Economic incentives, including tax exemptions, will be needed to encourage shelter construction. Vertical escape structures are a good idea, but other measures, such as walking escape routes, should be considered. Technical concerns exist about the bill, as federal guidelines referenced in it have not yet been developed. Areas outside of critical areas would probably be better suited for tsunami resistant structures.

(Neutral) Technical changes should be made to the bill.

Testimony Against: Tsunamis, natural disasters, and flooding are very serious issues. Geologically hazardous areas are unsuitable for the construction of tsunami shelters. This bill may be an attempt to weaken the Growth Management Act.

Persons Testifying: (In support) Representative Orcutt, prime sponsor.

(With concerns) James Phipps, Albert Carter, Grays Harbor County; Philip Janes; Heath Packard, Audubon Washington; and Dave Williams, Association of Washington Cities.

(Neutral) Gordon White, Department of Ecology.

(Opposed) Genesee Adkins, 1000 Friends of Washington.

Persons Signed In To Testify But Not Testifying: None.